

**Municipal Services Agency**  
Paul Hahn  
Agency Administrator



**County Executive**  
Terry Schutten

**County of Sacramento**

October 17, 2008

Honorable Phillip Isenberg  
Chair, Delta Vision Blue Ribbon Task Force  
428 J Street, Suite 440  
Sacramento, CA 95814

Re: Comments of the County of Sacramento on the Delta Vision—Fifth Staff Draft of the Strategic Plan

Dear Mr. Isenberg:

Sacramento County has provided comments to prior staff drafts of the Delta Vision Strategic Plan. For the most part, those comments are also relevant to the current fifth draft. Rather than repeating what has previously been provided to you, we hereby fully incorporate by reference the comments made in our prior letters (of August 13, 2008; September 3, 2008; and September 30, 2008). In commenting on this draft and prior drafts of the Strategic Plan, Sacramento County has been guided by certain policy goals that it believes should be incorporated into the Delta Vision's recommendations and final Strategic Plan. These policy goals are summarized immediately below:

1. Actions associated with the Delta ecosystem and water supply reliability for areas south of the Delta must not redirect unmitigated adverse environmental, economic or social impacts to Sacramento County.

2. Actions and activities associated with the Delta must honor and adhere to water rights priorities and area-of-origin protections. Sacramento County opposes water user fees that would tax water users in the areas of origin for the cost of mitigation efforts in the Delta or to provide a water supply for those south of the Delta.

3. Water conveyance facilities routed through Sacramento County must have no adverse effect on the existing and future operation of the Sacramento Regional County Sanitation District ("SRCSD") facilities or on the Freeport Regional Water Project ("FRWP"). Other adverse impacts of water conveyance facilities routed through Sacramento County must be fully mitigated. Sacramento County must be fully involved in routing and operational issues of water conveyance facilities located within Sacramento County.

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4. Sacramento County will protect its governmental prerogatives in the areas of its local land use authority, tax and related revenues, public health and safety, economic development and agricultural stability.

5. Sacramento County will protect its ability to govern, as an elected body, from proposed usurpation through governance by a non-elected, appointed board or council. Any councils, commissions or boards established to "govern" the Delta must include voting membership for elected representatives from Sacramento County, and elected representatives from the Delta counties must be a majority on any of these bodies.

6. Financial resources must be committed to maintain and enhance vital transportation and flood control infrastructure within those areas of the Delta that are within Sacramento County. Financial resources also need to be committed to improved emergency response within the Delta.

7. Any solution to the problems being addressed in the Delta must account for the multiple causes of the Delta's decline and not simply focus one or even a limited number of them.

#### SPECIFIC COMMENTS ON THE FIFTH DRAFT

With the foregoing in mind, Sacramento County has the following comments specific to the Fifth Staff Draft of the Strategic Plan ("Fifth Draft"):

Action Items 1.1.1 – 1.1.3: The Fifth Draft recommends that the co-equal goals of water supply reliability and Delta ecosystem restoration be written into the California Constitution, statutes and be incorporated generally in all activities associated with the Delta. We have commented previously about the co-equal goals noting that the goals are overly simplistic in their articulation and that, among other things, they ignore significant differences that exist with respect to water supply in the various regions of the state and also within the Delta itself. We have noted that, as a matter of policy, this presents problems. The current and new suggestions that these goals be elevated to constitutional status compound this problem. Insofar as they are diametrically opposed, proceeding with these goals as a matter of policy is hazardous. Elevating these goals to constitutional status will create significant and enduring problems, not the least of which is an inconsistent interpretation of what they mean as a constitutional mandate.

As a matter of policy, the co-equal goals need to better reflect adherence to the California water rights system, including priorities that have been established as part of that system, recognition of priorities and protections for areas of origin and the needs of those who live and work in Delta counties. The goals also need to be clarified to insure that meeting them does not re-direct significant adverse impacts to other areas of the state.

Action Items 2.1 – 2.5: These actions focus on the concept of the Delta "as a place." The Delta is already "a place" where people live and work. These action items ignore these people and prescribe a top-down decision-making process that ignores local involvement

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and input. While some of the ideas presented within the action plan for Goal 2 are undoubtedly positive, they cannot be effectively implemented without local involvement and support.

Action Items 3.1 – 3.5: In the Fifth Draft, Goals 3 and 6 (along with Goal 2) are integrated. The problem that is not addressed, however, is that the actions associated with these goals are inconsistent. Goal 2 focuses on economic and other development within the Delta and seeks to calm the nerves of those who live and work in the Delta that implementation of the Delta Vision will merely drive them out of the area. On the other hand, Goals 3 and 6 focus largely on activities that will flood or “restore” major portions of the Delta for ecosystem restoration and modify flood protection in a manner that ignores the promise of Goal 2. No analysis has been undertaken to explain how the actions associated with Goal 3 will accommodate and be consistent with what has been articulated in Goal 2.

Action Items 3.5 – 3.5.1: These actions seem to isolate and focus directly on those who live and work upstream and within the Delta and to create requirements that are more stringent than what will govern other portions of the state. These actions should be re-evaluated. To the extent that they are not re-evaluated, the state will need to provide the dollars necessary to meet the mandates outlined in this proposed action.

Additionally, the locations of restoration activities should not only be sensitive to the proposed location of the Peripheral Canal, but also avoid conflict with existing and planned infrastructure, including water and wastewater facilities within Sacramento County.

Action Items 4.1 – 4.2: Sacramento County has invested significant resources to water conservation and the development of water supply reliability through a diverse water supply resource portfolio. The proposed actions, however, include unfunded mandates that cannot be met and again ignore the geographic differences associated with water supply reliability. The fact is that Sacramento County is within the Delta watershed and the Delta, and the “one-size-fits all” actions advanced within the Fifth Draft do not recognize this. The Strategic Plan needs to be further developed to offer proposed actions that are developed in a way that recognizes these regional differences.

Action Items 6.1 – 6.3: The Strategic Plan lacks adequate analysis of how the emergency and risk issues dealt with in these actions relate to the action proposed for Goal 3. Merely recognizing that Goals 3 and 6 are related does not properly address the issue. This is particularly true when one considers that fact that the action items outlined under Goal 3 are fairly specific while the action items associated with Goal 6 (and Goal 2) remain fairly nebulous.

Action Items 7.1 – 7.3: Sacramento County has previously commented in opposition to the Delta Vision’s governance proposals. In particular, we have articulated the County’s concern that the proposal inappropriately usurps the role of local governmental agencies, including Sacramento County. The current draft version of the Strategic Plan ignores our prior comments and, in fact, goes further toward eliminating local governance in the Delta

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by taking *all* local land use decisions away from local agencies (including Sacramento County) and vesting it in a strengthened Delta Protection Commission ("DPC") and in the appointed Council. This would leave Sacramento County's governance in the Delta limited to "police power and service provisions." Sacramento County opposes this proposal and believes that the local jurisdiction must remain the primary local land use planning entity within the Delta. Sacramento County opposes the "strengthening" of the DPC and of the role designated for the new appointed Council in land use decisions.

Additionally, while we have no inherent problem with the development of a Conservancy, we believe that it, as well as the Council, needs to be governed by local elected representatives. Residence within this County does not equate to knowledge or representation of institutional values and requirements or to representation of the citizens. It is not sufficient to have someone who lives in Sacramento County appointed to serve on these bodies and then argue that Sacramento County is represented on these bodies. Ignoring elected representation ignores basic concepts of our governmental system.

#### TIMING OF THE RELEASE AND ADOPTION OF THE PLAN

The County of Sacramento has used its best efforts to review and comment on the fifth draft of the Task Force's Strategic Plan, which was released just six days ago. Unfortunately, though, the County of Sacramento must note that it may have additional comments on the "final" draft. Today, during the Task Force meeting, it was announced that the fifth draft that was released to the public last Friday has been superseded and the Task Force was working from "version 5.5" of the Strategic Plan. The redline of version 5.5 was posted to the Delta Vision website mid-day today, and the County of Sacramento has quickly reviewed this version.

During the course of today's meeting, the Task Force also announced that further revisions would be made to the Strategic Plan this evening, and the Task Force would vote on that "final" draft tomorrow. The public will not be given any meaningful opportunity to review or comment on this "final" draft before the Task Force recommends it to the Delta Vision Commission. Therefore, the County of Sacramento reserves its right to raise additional issues once it has had an opportunity to review and digest the "final" draft. We understand that you are trying to meet deadlines imposed by the Governor, but we respectfully suggest that the Task Force's approach to public involvement and participation in this process is flawed. As versions 5 and 5.5 of the Strategic Plan acknowledge, we must all work together to solve the Delta's complex problems. The approach the Task Force has adopted is not one that will foster trust among the stakeholders or build the consensus necessary to undertake such an ambitious effort.

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CONCLUSION

Thank you for allowing the County of Sacramento the opportunity to comment on versions 5 and 5.5 of the Strategic Plan. We hope that you will carefully consider these comments before you adopt the final draft of the Strategic Plan.

Very truly yours,



fw Paul J. Hahn  
Agency Administrator

PH:cr

cc: Sacramento County Board of Supervisors  
Terry Schutten, County Executive  
State and Federal Legislative Representatives  
Delta Vision Blue Ribbon Task Force  
Susan Muranishi, County Administrator, Alameda County  
Sharon Jensen, County Administrator, Yolo County  
John Cullen, County Administrator, Contra Costa County  
Manuel Lopez, County Administrator, San Joaquin County  
Michael Johnson, County Administrator, Solano County  
Ray Kerridge, City Manager, City of Sacramento  
Laura Gill, City Manager, City of Elk Grove